

REMARKS

Claims 21-29, 31-48, 50-66, and 68-85 are pending. Claims 59 and 71 have been amended to include that the active matrix circuit is formed with a single crystal silicon material.

Claims 21-29, 31-48, 50-66, and 68-85 were rejected as being unpatentable as obvious over Schoolman in view of Ohnsorge, Spitzer, and Nathanson. Schoolman is cited in the Office Action for disclosing a device/telephone housing including a receiver within the housing that receives image data; a liquid crystal display; and a lens that enlarges an image displayed on the display for viewing by the user.

It is acknowledged in the Office Action that Schoolman fails to disclose 1) a wireless receiver, 2) an active matrix liquid crystal display and 3) a battery carried by the telephone housing. It is also previously acknowledged that the display control panel is not on the display housing.

Ohnsorge is cited for disclosing a telephone device having a wireless transceiver with the telephone housing for transmitting and receiving audio and a wireless receiver within the telephone housing that receives image data. Spitzer is cited for disclosing an active matrix display with red, green and blue backlight sources for a head-mounted display system. Nathanson is cited for disclosing a portable telecommunicator device which comprises a power supply for powering the display, transceiver, receiver, light source and circuit within the housing.

While Schoolman is cited for disclosing a telephone housing, the display in Schoolman has nothing to do with the information conveyed by the telephone. The information displayed on the display in Schoolman is from a computer. The Office Action references Figure 4, for disclosing a telephone housing. Figures 4 and 5 of Schoolman disclose a "head mounted display 21, in conjunction with a pair of speakers 31 mounted on a head band 35 and a boom microphone 32." The head mounted display 21 is the same as that shown in Figures 2 and 3. There is no suggestion that those elements on the head band 35 (the speakers 31 and the microphone 31) are in anyway interrelated to the display panel 23. Furthermore, as acknowledged in the Office Action, there is no suggestion of wireless receiver. A Declaration of John C. C. Fan in further support of allowability of the instant application will be forwarded shortly.

The display of Ohnsorge is not an active matrix display liquid crystal display and does not suggest a lens to magnify the image. In addition, there is no suggestion of the 0.7 inch diagonal display, a light source or a color display.

Nathanson discloses a cathode ray tube for use in slow scan, not a liquid crystal display; while disclosing batteries in Nathanson, the cathode ray tube would only have limited use with a battery capable of being carried within a portable communication device. Furthermore, Nathanson discloses a slow scan display which takes approximately 8 seconds to scan the image. (See McGraw-Hill Dictionary of Scientific and Technical Terms (5th ed. 1994), p. 1845). The active matrix LCD of the claimed invention has a scan rate for a VGA monochrome of greater than 56 Hertz as discussed on page 59 of the application as filed.

The combination of Schoolman, Ohnsorge, Spitzer, and Nathanson does not suggest the invention as recited in the claims. None of the prior art cited discloses an active matrix liquid crystal display that is enlarged with a lens. There is no suggestion in the cited prior art of an active matrix display powered by a battery and seen through a lens in a telephone housing.

Furthermore as indicated in the Reply filed on June 2, 1998, there is also no suggestion of the display and the lens located in a display module which rotates relative to the telephone housing. Contrary to the statement in the Office Action of February 2, 1999, the limitation of "a display module which rotates relative to the telephone housing" is found in the claims including claims 23, 42, 61, and 72.

The Court of Appeals for the Federal Circuit stated in *In Re Fine* that

'To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher.' W.L. Gore, 721 F.2d at 1553, 220 USPQ at 312-13. It is essential that 'the decisionmaker forget what he or she has been taught at trial about the claimed invention and cast the mind back to the time the invention was made ... to occupy the mind of one skilled in the art who is presented only with the references, and who is normally guided by the then-accepted wisdom in the art.' Id. One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.

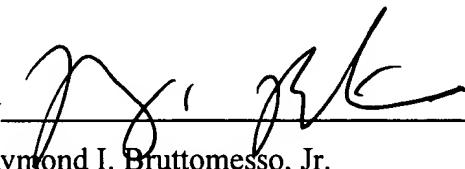
In Re Fine, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988). There is no suggestion in the prior art of a wireless telephone with an optically magnified liquid crystal display as claimed in the invention.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims (claims 21-29, 31-48, 50-66, 68-85) are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (781) 861-6240.

Respectfully submitted,

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